

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
MANHATTAN DIVISION

CASE NO. 11-CV-5191(GRD)

UNITED STATES COMMODITY  
FUTURES TRADING COMMISSION,

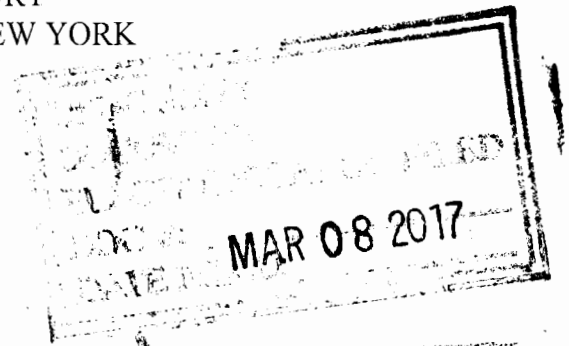
Plaintiff,

vs.

ANTHONY J. KLATCH II; AMERICAN  
PRIVATE EQUITY, LLC; ARM CAPITAL  
MANAGEMENT, LLC; TASK CAPITAL  
MANAGEMENT, LLC; VIGILANT  
CAPITAL MANAGEMENT, LLC,

Defendants.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*



SO ORDERED:

*George B. Daniels*  
George B. Daniels, U.S.D.J.

Dated: MAR 08 2017

**RECEIVER'S FINAL REPORT AND MOTION TO DISCHARGE RECEIVER AND  
CLOSE RECEIVERSHIP**

Mark V. Silverio, the court-appointed receiver ("Receiver") for Anthony J. Klatch, II (hereinafter "Klatch"); American Private Equity, LLC; ARM Capital Management, LLC; Task Capital Management, LLC; Vigilant Capital Management, LLC ("Receivership Entities" or "Estate"), hereby files this motion seeking an Order of the Court discharging the Receiver and closing the Receivership, and in support thereof states:

**I. FINAL REPORT**

1. Receiver made three (3) disbursements to the defrauded investors; (i) \$300,000 on July 23, 2013; (ii) \$875,000 on November 27, 2013; and (iii) \$25,025 on April 25, 2014. Attached are two (2) reports the Receiver filed with the court documenting these distributions (dollar amount and dates of distribution); both attached as Exhibit A and B.

2. Receiver has \$3,771.36 left in the receivership account. He will await instructions from the Commission as to the disposition of these funds. All other investor funds have been distributed to them.

3. This report will be filed and sent to Richard Glaser, Commodity of Future Trading Commission, The Lafayette Center, 1155 21<sup>st</sup> Street NW, Washington, DC 20581.

## **II. DISCHARGE OF RECEIVER AND CLOSE RECEIVERSHIP**

1. Pursuant to the Final Judgment in the case on March 19, 2014 (Exhibit C), Klatch was required to make restitution of over \$16 million plus interest. The payments were required to be paid to the Receiver, but he has not received any payments to date. Receiver performed due diligence to collect the Restitution Obligation and concluded that Klatch has little or no financial ability to pay this Restitution Obligation. However, he did discover that Klatch made several \$500 payments (actual amounts unknown) direct to the Commission or to the US Attorney's office in Alabama (where he was indicted and convicted). Receiver is not aware if Klatch is still paying any Restitution.

2. It is unlikely that any additional funds or Restitution Obligations will be paid by Klatch to the Receiver or to any other agency. Thus, it is unlikely that there will be any more distributions to the investors.

3. Receiver has performed all the tasks and duties required of him under the Order of December 1, 2011 appointing him as Receiver of Klatch and the Receivership Entities.

WHEREFORE Receiver requests the court enter an order discharging the Receiver and closing the Receivership.

DATED this 6 day of March, 2017.

WE HEREBY CERTIFY that a true and correct copy of the foregoing document is being e-served on the above date to: Richard Glaser, Esq., U.S. Commodity Futures Trading Commission, 1155 21 Street, NW, Washington, DC 20581, [rglaser@CFTC.gov](mailto:rglaser@CFTC.gov).

Mark V. Silverio, as Receiver  
255 Eighth Street South  
Naples, Florida 34102-6123  
Telephone: (239)649-1001  
Facsimile: (239)649-1972  
[Servicenapels@silveriohall.com](mailto:Servicenapels@silveriohall.com)

A handwritten signature in black ink, appearing to be 'M. Silverio', written over a horizontal line.

Mark V. Silverio, Receiver  
Florida Bar No. 150430